

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMES EDWARD PAYNE,

Plaintiff,

-v-

6:08-CV-143

OFFICER BRANDON JONES, OFFICER  
JOHN ABEL, C. ALLEN PYLMAN, CITY  
OF UTICA AND CITY OF UTICA POLICE  
DEPARTMENT,

Defendants.  
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DAVID N. HURD  
United States District Judge

**ORDER**

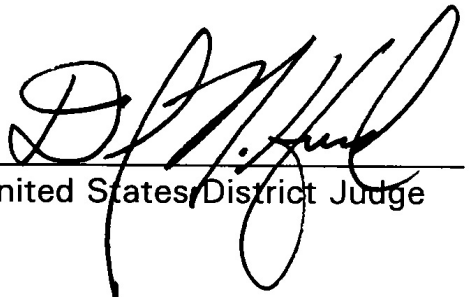
Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on November 3, 2009, in Utica, New York, it is hereby

ORDERED that

1. Defendant Brandon Jones' motion, joined by the defendant City of Utica, for judgment as a matter of law or in the alternative for a new trial is DENIED;
2. Plaintiff may file an application for attorneys fees on or before November 10, 2009;
3. Defendants may file a response on or before November 18, 2009, and no reply will be permitted;
4. Plaintiff's application will be on submit; and

5. Thereafter, the Clerk will be directed to enter judgment.

IT IS SO ORDERED.



United States District Judge

Dated: November 3, 2009  
Utica, New York.